

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

In the matter of the Application of Suburban Water Systems (U 339-W) for authority to increase rates: In 2003 \$9,919,002, or 27.2% above the revenues generated by present rates, in 2004 \$1,447,692 or 3.1% above the revenues generated by the rates proposed for 2003, in 2005 \$1,597,008 or 3.3% above the 2004 revenue requirements.

Application 02-05-033  
(Filed May 13, 2002)

**ADMINISTRATIVE LAW JUDGE'S RULING  
CONTINUING EVIDENTIARY HEARING TO DECEMBER 3-6**

The Office of Ratepayer Advocates (ORA) seeks extension of the evidentiary hearing from November 5-8, 2002, to January 6-9, 2003, and an extension of the time for ORA to serve its testimony from October 21, 2002, to November 22, 2002. Suburban Water Systems (Suburban), contending that ORA already has been granted 56 days of extensions, opposes ORA's request, but offers to compromise by extending the date for evidentiary hearing to November 25-30, 2002.

Neither party seeks a change in the date for Public Participation Hearings, at 4:00 p.m. and 7:00 p.m., October 29, 2002, in West Covina. The Public Participation Hearings will proceed as scheduled.

In support of its requested extension, ORA states that it needs additional time to analyze Suburban's responses to data requests and to Suburban's Third Supplement to the Application, filed on October 7, 2002. ORA states that it also will require time to deal with a Fourth Supplement that it had not yet received.

ORA states that one of its key witnesses, an auditor, is not available to testify during December.

Suburban argues that ORA has been given two extensions, and that an additional 62-day extension is unreasonable. It argues that the Third Supplement was required by Decision 02-09-046, has long been known to ORA, and, in any event, deals exclusively with rate design, a subject normally handled by the Water Division, not ORA. The Fourth Supplement, filed October 15, 2002, relates to Suburban's 1997 acquisition of Maple Water Company, raising only a legal issue that has been in this case from the outset.

In proposing the November 25-30 dates, Suburban sought to accommodate ORA's witness who will be unavailable in December. Those dates, however, include the Thanksgiving holiday, and Commission's offices will be closed on November 28 and 29.

This ruling extends the dates for evidentiary hearing to December 3-6 in Los Angeles, and it extends the date for service of ORA's testimony to November 12, 2002. In view of the extensions already granted, ORA has not met its burden of showing a need to continue the hearing into the year 2003, especially when that date is being proposed to accommodate the travel needs of a single witness. It is not uncommon in rate proceedings for a witness to be unavailable. In the past, when a staff witness is unavailable, the project manager has taken the place of that witness and sponsored the witness's written testimony.

This ruling also sets a cutoff date for further written discovery requests of October 23, 2002. The following revised schedule is adopted:

October 23, 2002	Discovery cut-off date
October 29, 2002	Public Participation Hearings will be conducted at 4:00 p.m. and 7:00 p.m., in West Covina Senior Center, 2501 East Cortez Street, North Wing, Rooms 14 & 15, West Covina, CA 91791
November 12, 2002	ORA serves written testimony
November 25, 2002	Suburban serves rebuttal testimony
December 3-6, 2002	Evidentiary Hearing, beginning at 10:00 a.m., in the Commission Courtroom, 320 West 4 <sup>th</sup> Street, Los Angeles
January 13, 2003	Parties file and exchange briefs
January 27, 2003	Administrative Law Judge (ALJ) transmits data to Water and Natural Gas Branch for preparation ratesetting appendices
February 10, 2003	ALJ's Proposed Decision is filed.

**IT IS RULED** that:

1. The request of the Office of Ratepayer Advocates (ORA) to extend dates for hearing and service of ORA testimony is granted in part and denied in part.
2. The date for service of ORA's written testimony is extended from October 21, 2002, to November 12, 2002.

3. The date for evidentiary hearing is extended from November 5-8, 2002, to December 3-6, 2002.

4. The revised schedule for this proceeding is set forth in this ruling.

Dated October 22, 2002, at San Francisco, California.

/s/ GLEN WALKER

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Glen Walker

Administrative Law Judge

